



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : SPRUNCK, et al.
Serial No. : 09/899,718
For : PROMOTERS FOR GENE EXPRESSION IN CARYOPSES
OF PLANTS
Filed : July 5, 2001
Examiner : D. Sullivan
Art Unit : 1636

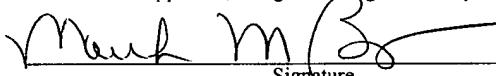
745 Fifth Avenue, New York, NY 10151

EXPEDITED PROCEDURE
RESPONSE AFTER FINAL ACTION
UNDER 37 C.F.R. 1.116

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Commissioner for Patents, Mail Stop AF P.O. Box 1450, Alexandria, VA 22313-1450**, on the date shown below.

Marilyn Matthes Brogan, Reg. No. 31,223

Name of Applicant, Assignee or Registered Representative



Signature

June 21, 2004

Date of Signature

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the final Office Action dated December 29, 2003, rejecting claims 1 and 3-16. A check in the amount of \$330.00 is enclosed in payment of the appeal fee required by 35 U.S.C. §41(a)(6) and 37 C.F.R. §1.17(e). Please charge any additional payment or credit any overpayment to Deposit Account No. 50-0320.

06/25/2004 AWONDAF1 00000140 09899718

01 FC:1401

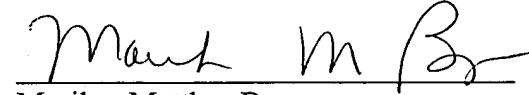
330.00 OP

This Notice is being filed in triplicate, together with a Petition for a three-month extension of time, and a Rule 116 Amendment.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By:



Marilyn Matthes Brogan
Reg. No.: 31,223

Anne-Marie C. Yvon, Ph.D.
Reg. No.: 52,390
(212) 588-0800